

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Agricultural Marketing Department – Agricultural Market Committee Service –  
Adhoc Panel of Special Grade Secretaries for promotion to the post of Selection  
Grade Secretaries for the panel year 2012-13- Approved – Orders – Issued.

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AGRICULTURAL MARKETING AND COOPERATION (AM.III) DEPARTMENT

G.O.Ms.No.56

Dated :13-05-2013.  
Read the following:-

- 1.G.O.Rt.No. 930, A&C(AM.III)Dept., dt.25.7.2009.
- 2.G.O.Rt.No. 142, A&C(AM.III) Dept., dt. 4.2.2010.
- 3.From the C&DoAM, AP.,Hyd. Lr. No.Estt.AMC(1)4231/2011,  
dated 5.7-2012.& dt.19.12.2012.
- 4.Govt. Memo.No.7372/AM.III(1)/2012, dt.7.3.2013.`
- 5.From the C&DoAM,AP.,Hyd. Lr.No.Estt.AMC(1)4231/2011,  
dt.26.4.2013.
- 6.Appeal Petition dt.27.4.2013 & additional petition dt 4.5.2013  
filed by Sri I.Narahari, Spl.Gr.Secy.,AMC,Guntur.  
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ORDER:- .

The Government after consideration of the recommendations of Commissioner & Director of Agricultural Marketing, A.P., Hyderabad in the references 3<sup>rd</sup> & 4<sup>th</sup> read above have decided to invoke Rule 10(a) of AP State and Subordinate Service Rules, 1996 for promotion of Special Grade Secretaries to the cadre of Selection Grade Secretaries during the panel year 2012-13 on Adhoc basis by relaxing the Rule 158(a) of A.P. Marketing Service Rules, 1969 and keeping in view G.Os issued in the references 1<sup>st</sup> & 2<sup>nd</sup> read above. The Commissioner & Director of Agricultural Marketing, A.P., Hyderabad has been requested to place the matter before the Screening Committee and send its recommendations. The Screening Committee in its meeting held on 26.4.2013 has recommended to promote Six (6) names out of 8(eight) candidates for promotion to the posts of Selection Grade Secretaries vide reference 5<sup>th</sup> read above.

2. As seen from the Screening Committee recommendations, in which Sri C. Hanumantha Reddy, Special Grade Secretary at AMC, Hindupoor is facing serious disciplinary charges and enquiry proceedings are going on. Hence committee has not recommended the name for the promotion as per the rules.

3. Where as in the case of Sri I.Narahari, Committee has also differed for promotion stating that Masters Degree Provisional Certificate submitted by the incumbent to the department has got typographical mistake in the surname of the candidate instead of IMADABATTULA.NARAHARI (it was printed) as IMAMABDULLA. NARAHARI. Based on the typographical error the Screening Committee has rejected the name of Sri I. Narahari for promotion by stating that the certificate as fake/bogus one. In this instance it is felt that screening Committee has not properly verified the previous records of the employee of (I.Narahari) as the employee is working in the Department since 1.8.1975 and also taken two promotion in the department based on the above certificate issued by the Madurai Kamaraj University for Master Degree in MA(PA).

4. In the reference 6<sup>th</sup> read above, Sri I. Narahari, Special Grade Secretary has filed appeal petition & additional petition for considering his promotion as Selection Grade Secretary for the panel year 2012-13.

5. OBSERVATIONS ON THE APPEAL PETITION:-

The said employee Sri I. Narahari is a permanent employee of the Department working from **01-08-1975** and during the joining he has submitted his SSC, Inter Certificate in that Certificates on observation it is found that, the surname was mentioned IMADABATTULA.NARAHARI and the same has been entered in the service records of the concerned employee. Later Sri I.Narahari has acquired Master Degree in MA from Madurai Kamaraj University with correspondence course and the same has been recorded in service records of Sri I.Narahari. Based on the Master Degree the individual has taken 2 (two) promotions in the department earlier to Selection Grade Secretary Promotions.

It is also observed from the records submitted by the employee (I.Narahari) that the surname was pronounced as same was printed in the Service Records, SSC Memo, Inter Certificate, MA Marks list as well as course completion certificate issued by the University and found the same i.e., IMADABATTULA.NARAHARI. But only in provisional certificate a typographical error was found as IMAMABDULLA. NARAHARI. "If at all there would be any controversy regarding the typographical error in the provisional certificate, Department would have to refer the case to the University for Scrutiny & calling for the clarification on genuinity of the certificate and after obtaining the clarification from the University, then only the Department should have to state the certificate either genuine or fake/bogus". "Where as in the instant case the Screening Committee or the officers of the Commissioner & Director of Agricultural Marketing, and other concerned officials have declared the certificate as fake/bogus without verifying the records in the University or without obtaining data from the concerned University or without giving a chance to explain the facts to the individual or reasonable opportunity to the individual & has declared fake/bogus and denied for promotion, which is against the rules & principles of natural justice. It is also observed that the department has got any substantial/evidence/material to declare the certificate as fake/bogus under natural justice and laws prevailing". Even though the Screening Committee has come to a conclusion by just basing on the anonymous petitions/complaints on the employee, without verifying the genuinity of the certificate.

In the explained context after due observations of the records It is felt that the Screening Committee has violated the procedure without following the, rules/laws to be adopted & principles of natural justice, by which the Screening Committee action can be challenged in any court of law and may cause damage to the Department as well as to the Government. It is also felt that, "If at all the Provisional Certificate issued by the University been felt as fake/bogus the earlier Agricultural Marketing Commissioners' might have taken a serious note/action on the individual and disciplinary proceedings would have been moved against the individual as per rules. But after verifying the records no such action or enquiry was found in the records against the individual which shows the department has agreed to the Master Degree issued by the University of the individual from the beginning of the submission of the Certificate".

"It is also observed on verification of the Provisional Certificate, MA Course Completion certificate and Marks Memo of the Master Degree the registration number is one and the same from the beginning of the course" as mentioned and other particulars are also same, when tallied with certificates and records. Therefore it is felt that the tampering of certificate might have not arised.

While going through the appeal petition and on verification the records it is also found that, no other disciplinary cases or charges are pending against the individual. Hence Sri I.Narahari can't be denied for promotion.

"In due course of appeal examination "Sri I.Narahari has filed some more additional information to this office stating that the individual has approached to Madurai Kamaraj University immediately after coming across the controversy stating that a typographical mistake in the surname has occurred with a request to correct the surname which was pointed out by the Committee". The Madurai Kamaraj University on the request of the individual has issued a fresh Provisional Certificate with the corrections in surname as IMADABATTULA.NARAHARI on Dt:2.5.13, after duly verifying the records of the University and the same has been certified on the backside of the Provisional Certificate by the concerned University Officials and also a fresh Marks Memo was also issued along with Provisional Certificate confirming the surname "IMDABATTULA.NARAHARI" which was available there in SSC, Inter, MA Course Completion certificate as well as Service Record of the employee (I.Narahari).

In case any further action has to be initiated in respect of the verification certificate genuinity & verification on certificate as the individual is continuing in service and at any given point of time department may take any disciplinary action against the individual, on enquiry if the certificates are found false, in due course of enquiry (if at required).

After examining the entire sequence of the case of the request appeal petition filed by the individual, it is felt that the Screening Committee has not taken the note of the facts of the records and also failed to verify the genuinity of the certificate as per the procedure rules/law and by violating the principles of natural justice of the individual-rights.

**6. APPEAL PETITION is allowed and ordered as follows: Under Rules 24(a) & (b) AP.SSS 1996 & 27 of AP.Market Act.**

**Rule Position of 24**

**24. REVISION OF LIST OF APPROVED CANDIDATES (PANELS) OR LIST OF ELIGIBLE CANDIDATES FOR APPOINTMENT BY PROMOTION OR BY TRANSFER:-**

(a) The State Government shall have the power to revise in any manner they consider suitable any panel of approved candidates for appointment by transfer or by promotion to any category class or service, prepared by a Head of the Department or any other authority subordinate to the Head of the Department, in exercise of the powers conferred on them by the special rules or there rules:

Provided that before revision of the panel is under taken the cases for review should be placed before the D.P.C/Review D.P.C/Screening Committee and their recommendations obtained:

Provided that where the panel is prepared by an authority subordinate to a Head of the Department, in exercise of the powers conferred on him by the special rules, the aforesaid power of revision may be exercised by the Head of the Department. This will not preclude the State Government from exercising the powers of the revision aforesaid, against the orders either of the Head of the Department or of any other subordinate authority aforesaid.

(b) The State Government and the Head of the Department shall have power to revise in any manner they consider suitable, any list of eligible candidates for promotion to any category, class or service in respect of the subordinate service, prepared in accordance with rule-5. The aforesaid power of revision by the State Government could be exercised by them in respect of an order passed by the Head of the Department or by any other subordinate authority.

(c) The aforesaid power or revision mentioned in sub rule (a) and sub-rule (b), may be exercised by the State Government or by the Head of the Department on their own motion, at any time, or on an application made by the aggrieved person, within a period of six months from the date of order of appointment or promotion of a person junior to the aggrieved person:

**7. Rule-27 Revision:-** (1) The Director of Marketing may, of his own motion or on application made to him, call for and examine the record of any market committee and the Government may, of their own motion or on application made to them, call for and examine the record of the Director of Marketing, in respect of any proceeding, 2[other than a proceeding relating to assessment and recovery of market fees under Sections 12-A to 12-F (both inclusive)] , to satisfy himself or themselves, as to the regularity of such proceeding, or the correctness, legality or propriety of any decision passed or order made therein; and if, in any case, it appears to the Director of Marketing or the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, he or they may pass orders accordingly:

Provided that every application to the Director of Marketing or the Government for the exercise of the powers under this section shall be preferred within ninety days from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

(2) No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representation.

**8. Rule -27 (A) of Agril.Marketing Act (Rule position):-**

**Power to remove difficulties:-** If any difficulty arises in giving effect to the provisions of this Act, the Government, as occasion may require, may by order do anything which appears to them to be necessary or the purpose of removing the difficulty.

Therefore the name of the individual i.e., Sri I.Narahari is also considered for the promotion from Spl.Gr.Secretary to the post of Selection Grade Secretary at the level of Government “under rule of 24(a) & (b) of A.P.State & Subordinate Service Rules 1996 and 27 & 27(A) of Marketing Department and other relevant rules and by exercising the powers vested in the rule/act & being the appellate authority and by exercising the powers vested on the Government by set aside the action initiated by the Screening Committee, as the Screening Committees’ action is questionable and will not sustain in any court of law. It is also advised to the concerned officers that in future, to take a note on the issues before coming for conclusion on service matters whether all the precautions were taken as per the rules/law or not so as to avoid the legal complications in the service matter, and the name of Sri I.Narahari is also incorporated in the list of promotions as Selection Grade Secretaries.

9. **“By exercising the powers vested on the Government under rule 24 of AP State & Subordinate Service Rules,1996 & Rule 27 & 27(A) of AP.Marketing Act the above orders pronounced”.**

10. Government after examination of the entire matter, hereby approve the following names of Special Grade Secretaries for promotion to the post of Selection Grade Secretaries in Agricultural Market Committee Services of Marketing Department purely on temporary basis under Rule 10(a) of AP. State & Subordinate Service Rules,1996 for the Panel year 2012-13, duly relaxing Rule 158(a) of AP Market Service .Rules taking into consideration of Govt. Memo. 58975/Ser.D/2000-3, dt.9.1.2001 and G.O.Ms.No.930, Agriculture & Cooperation (AM.III) Dept., dt.25.7.2009, subject to outcome of Writ Petitions/WAS/OAS/C.As etc., if any pending before the Administrative Tribunal/High Court of Andhra Pradesh etc.:-

Sl.No.	Name of the Employee	
	Sarvasri	
1.	P.Balavenkata Reddy	
2.	Ch.Pentaiah	
3.	A.Anilkumar	
4.	J.B.Krishna Mohan	
5.	I.Narahari	
6.	P.S.N.Rajam Raju	
7.	V.Rajeshwara Rao	

(BY  
THE NAME  
GOVERNOR OF ANDHRA PRADESH)
 ORDER AND IN  
OF THE

I.Y.R.KRISHNA RAO  
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To  
The Commissioner & Director of Agricultural Marketing, AP.,Hyderabad.  
SF/SC.

// FORWARDED BY ORDER//

SECTION OFFICER